

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,

Plaintiff,

No. 2:04-cv-1183 LKK DAD P

vs.

C.K. PLILER, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 7, 2012, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 In Plaintiff's objections to the findings and recommendations, Plaintiff argues that
2 the magistrate judge in this case should be disqualified or recused for evidencing bias against the
3 Plaintiff.


4 Recusal is required "only if bias or prejudice stems from an extrajudicial source
5 and not from conduct or rulings made during the course of the proceeding." Pau v. Yosemite
6 Park and Curry Co., 928 F.2d 880, 885 (9th Cir. 1991) (citing Toth v. TransWorld Airlines, 862
7 F.2d 1381, 1388 (9th Cir. 1988)). Plaintiff's allegations as to bias appear to be based on the fact
8 that certain findings made by the magistrate judge during the course of these proceedings were
9 unfavorable to Plaintiff. These allegations are insufficient to establish bias on the part of the
10 magistrate judge. Therefore, Plaintiff's motion to disqualify or recuse Magistrate Judge Drozd is
11 denied.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The findings and recommendations filed November 7, 2012, are adopted in
14 full; and

15 2. Plaintiff's motions for sanctions (Docket No's 60 and 67) are denied.

16 DATED: February 12, 2013.

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20 LAWRENCE K. KARLTON
21 SENIOR JUDGE
22 UNITED STATES DISTRICT COURT
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